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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 09/729,783 | 12/06/2000 | Noah Shalom Shopsowitz | 5938-155 SJP/RCL | 7720 |
| 7590 | 02/12/2004 | | EXAMINER | |
| Stephen J. Perry SIM & McBURNEY 6th Floor 330 University Avenue Toronto, ON M5G 1R7 CANADA | | | KEMPER, MELANIE A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3622 | |
| DATE MAILED: 02/12/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | | |
|-----------------|------------|--------------|-------------------------|
| Application No. | 09/729,783 | Applicant(s) | SHOPSOWITZ, NOAH SHALOM |
| Examiner | M Kemper | Art Unit | 3622 |

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 May 2001.
2a) This action is FINAL. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-7 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

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1. The use of the trademarks has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

On page 6, line 6, should KING.net be recognized with a trademark? Also, should this be KINGnet ?) (Web site shows as KINGnet TM).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Rider et al., patent number 6257982.

Rider teaches a method and system of providing interactive management of branded multimedia content comprising: providing a multimedia terminal at a location for receiving multimedia content and advertising content, presenting advertising content, and in response to redemption of credit, presenting multimedia content (col. 3, lines 35-40, col. 4, lines 55-60, col. 5, lines 5-25, col. 9, lines 45-55); providing a first remuneration for multimedia content (col. 5, lines 30-45); providing a second remuneration for advertising (col. 9, lines 49-52). Rider also teaches a system

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comprising: a loyalty mechanism for rewarding the consumer with redeemable credit and for tracking redemption of credit (col. 9, lines 45-48, col. 8, lines 55-67); a multimedia terminal at a location for presenting advertising in consequence whereof said supplier remunerates said entity (col. 9, lines 49-52); and for permitting the consumer to redeem credit in exchange for presentation of content (col. 9, lines 45-48, col. 8, lines 55-67). Rider also teaches the terminal comprises a first input for receiving credit, a display and speakers for presenting content, and input for receiving content (col. 3, lines 35-67, col. 4, lines 50-60, col. 5, lines 5-25); a customer database accessible by the card and/or PIN (col. 5, lines 45-65, col. 6, lines 10-20); the multimedia content includes interactive video games (abstract, col. 6, lines 40-67); the location of the terminal and content are selected to optimize value to the customer (col. 6, lines 10-15).

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language "said operator" lacks antecedent basis.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Heckel, patent number 6036601 teaches remuneration for content and remuneration for advertising (col. 5, lines 35-40, col. 6, lines 60-67).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Kemper whose telephone number is 703-305-9589. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


M Kemper
Primary Examiner
Art Unit 3622

MK